Case 09-13180 Doc 1 Filed 04/14/09 Entered 04/14/09 13:22:03 Desc Main Document Page 1 of 9

United States Bankruptcy Court Northern District of Illinois					Voluntary Petition			
Name of Debtor (if individual, enter Last, First Uriostegui, Daniel	t, Middle):		Name	of Joint De	ebtor (Spouse	e) (Last, First	, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):				
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one state all)			Last fo	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)				
xxx-xx-5183 Street Address of Debtor (No. and Street, City, and State): 859 Sanctuary Drive, Apt 207B Lake Villa, IL			Street	Street Address of Joint Debtor (No. and Street, City, and State):				
		ZIP Code 60046						ZIP Code
County of Residence or of the Principal Place of Lake	of Business:		Count	y of Reside	ence or of the	Principal Pla	ace of Business:	
Mailing Address of Debtor (if different from street address):			Mailir	ng Address	of Joint Debt	tor (if differe	nt from street address):	
		ZIP Code	4					ZIP Code
Location of Principal Assets of Business Debto (if different from street address above):	r							
Type of Debtor (Form of Organization) (Check one box) ■ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.) ■ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.) ■ Railroad □ Stockbroker □ Commodity Broker □ Clearing Bank □ Other ■ Tax-Exempt Entity (Check box, if applicable) □ Debtor is a tax-exempt organ under Title 26 of the United Code (the Internal Revenue)		one box) siness al Estate as do 01 (51B)	efined	☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	the 1 er 7 er 9 er 11 er 12	Petition is Fi	hapter 15 Petition for R a Foreign Main Procee hapter 15 Petition for R a Foreign Main Procee hapter 15 Petition for R a Foreign Nonmain Procee e of Debts k one box)	ecognition ding ecognition
		defined in 11 U.S.C. § 101(8) as business debts. States "incurred by an individual primarily for a personal, family, or household purpose."						
Filing Fee (Check o Full Filing Fee attached □ Filing Fee to be paid in installments (applic attach signed application for the court's con is unable to pay fee except in installments. □ □ Filing Fee waiver requested (applicable to cattach signed application for the court's con	able to individuals onl sideration certifying th Rule 1006(b). See Office chapter 7 individuals of	nat the debtor cial Form 3A. nlv). Must	Check	Debtor is if: Debtor's a to insiders all applica A plan is Acceptant	a small busin not a small b aggregate not s or affiliates) ble boxes: being filed w ces of the pla	ncontingent l ncontingent l n are less than with this petition were solici	s defined in 11 U.S.C. § or as defined in 11 U.S. iquidated debts (exclud a \$2,190,000.	C. § 101(51D). ing debts owed e or more
Statistical/Administrative Information ☐ Debtor estimates that funds will be available ☐ Debtor estimates that, after any exempt proper there will be no funds available for distribution	perty is excluded and a	administrative		es paid,		THIS	S SPACE IS FOR COURT	USE ONLY
Estimated Number of Creditors	1,000- 5,001- 5,000 10,000	10,001- 25,000 50] 5,001- 0,000	50,001- 100,000	OVER 100,000			
Estimated Assets So to \$50,001 to \$100,001 to \$500,001 to \$100,000 to \$100,00	\$1,000,001 \$10,000,001 to \$10 to \$50 million million	to \$100 to] 100,000,001 5 \$500 nillion	\$500,000,001 to \$1 billion				
Estimated Liabilities	\$1,000,001 \$10,000,001 to \$10 to \$50 million million	to \$100 to		\$500,000,001 to \$1 billion				

Case 09-13180 Doc 1 Filed 04/14/09 Entered 04/14/09 13:22:03 Desc Main Document Page 2 of 9

B1 (Official For	m 1)(1/08)	Paye 2 01 9	Page 2
Voluntar	y Petition	Name of Debtor(s): Uriostegui, Daniel	
(This page mu	st be completed and filed in every case)	Uriostegui, Daniei	
(Fg	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, a	ttach additional sheet)
Location Where Filed:		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If m	ore than one, attach additional sheet)
Name of Debt - None -	or:	Case Number:	Date Filed:
District:		Relationship:	Judge:
	Exhibit A	(To be completed if debton is on	Exhibit B individual whose debts are primarily consumer debts.)
forms 10K a pursuant to S and is reques	oleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.) A is attached and made a part of this petition.	I, the attorney for the petition have informed the petitioner to 12, or 13 of title 11, United Sounder each such chapter. I fur required by 11 U.S.C. §342(box) X /s/ Edwin L. Feld Signature of Attorney for I	er named in the foregoing petition, declare that I hat [he or she] may proceed under chapter 7, 11, tates Code, and have explained the relief available ther certify that I delivered to the debtor the notice). April 13, 2009
		Edwin L. Feld	
☐ Yes, and ☐ No. (To be comp: ☐ Exhibit If this is a join	Exhibit C is attached and made a part of this petition. Exhibit C is attached and made a part of this petition. Exhibit C is attached and made a part of this petition. Exhibit C is attached and made a part of this petition.	cibit D ch spouse must complete and a part of this petition. and made a part of this petition	attach a separate Exhibit D.)
	(Check any ap	=	
-	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or princip	
0	There is a bankruptcy case concerning debtor's affiliate, go Debtor is a debtor in a foreign proceeding and has its prince this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or the sought in this District.	cipal place of business or principal in the United States but is a	cipal assets in the United States in defendant in an action or
	Certification by a Debtor Who Reside		Property
	(Check all app Landlord has a judgment against the debtor for possession		checked, complete the following.)
	(Name of landlord that obtained judgment)		
	(Address of landlord)	<u> </u>	
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment	for possession, after the judgm	nent for possession was entered, and
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	•	
	Debtor certifies that he/she has served the Landlord with the	his certification. (11 U.S.C. §	362(1)).

B1 (Official Form 1)(1/08)

Name of Debtor(s):

Uriostegui, Daniel

Voluntary Petition

(This page must be completed and filed in every case)

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Daniel Uriostegui

Signature of Debtor Daniel Uriostequi

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

April 13, 2009

Date

Signature of Attorney*

X /s/ Edwin L. Feld

Signature of Attorney for Debtor(s)

Edwin L. Feld 6188070

Printed Name of Attorney for Debtor(s)

Feld & Korrub, LLC

Firm Name

29 South LaSalle Street Suite 328 Chicago, IL 60603

Address

312-263-2100 Fax: 312-263-9838

Telephone Number

April 13, 2009

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

Page 3

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 09-13180 Doc 1 Filed 04/14/09 Entered 04/14/09 13:22:03 Desc Main Document Page 4 of 9

B 1D(Official Form 1, Exhibit D) (12/08)

United States Bankruptcy Court Northern District of Illinois

		1 (of their District of Immors		
In re	Daniel Uriostegui		Case No.	
		Debtor(s)	Chapter	7

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] ____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

Case 09-13180 Doc 1 Filed 04/14/09 Entered 04/14/09 13:22:03 Desc Main Document Page 5 of 9

B 1D(Official Form 1, Exhibit D) (12/08) - Cont.
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
\Box 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: // / Daniel Uriostegui Daniel Uriostegui
Date: April 13, 2009

or

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments

B 201 (12/08) Page 2

over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Attorney

X /s/ Edwin L. Feld

Signature of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

29 South LaSalle Street Suite 328 Chicago, IL 60603 312-263-2100							
Certificate of Debtor I (We), the debtor(s), affirm that I (we) have received and read this notice.							
Daniel Uriostegui	X	/s/ Daniel Uriostegui	April 13, 2009				
Printed Name(s) of Debtor(s)		Signature of Debtor	Date				
Case No. (if known)	X						
		Signature of Joint Debtor (if any)	Date				

Edwin L. Feld

Address:

Printed Name of Attorney

April 13, 2009

Date

AT&T PO Box 8100 Aurora, IL 60507

Bank of America PO Box 15019 Wilmington, DE 19886

Capital One Bank PO Box 6492 Carol Stream, IL 60197

CBCS PO Box 69 Columbus, OH 43216

Citibank Box 6000 The Lakes, NV 89163

CitiMortgage PO Box 6006 The Lakes, NV 88901-6606

Comcast PO Box 3002 Southeastern, PA 19398

Countrywide Home Loans PO Box 650070 Dallas, TX 75265

CPA 13355 Noel Road Dallas, TX 75240

Credit One Bank PO Box 60500 City Of Industry, CA 91716

Discover PO Box 30395 Salt Lake City, UT 84130 ER Solutions PO Box 9004 Renton, WA 98057

Fifth Third Bank 38 Fountain Square Plaza Cincinnati, OH 45263

HFC PO Box 17574 Baltimore, MD 21297

Kohls PO Box 2983 Milwaukee, WI 53201

Sears Credit Cards PO Box 183081 Columbus, OH 43218

Target National Bank PO Box 59317 Minneapolis, MN 55459